

California SIP submittals that can be withdrawn (partial list)
May 22, 2019

RULES TO LIMIT POTENTIAL TO EMIT

- **Imperial Rule 903, Potential to Emit** (submitted 2/23/12). Rule 903 provides sources with actual emissions less than 50% of the applicable major source threshold with a legally and practicably enforceable mechanism to limit their PTE below title V applicability thresholds.
- **South Coast Rule 3008, Potential to Emit Limitations** (submitted 12/30/10). Rule 3008 provides a mechanism for sources to voluntarily apply for operational limits to limit their potential to emit (PTE) below title V applicability thresholds.
- **Ventura Rule 35, Elective Emission Limits** (submitted 9/27/11). Rule 35 provides a mechanism for sources to voluntarily apply for operational limits to limit their potential to emit (PTE) below title V or NSR applicability thresholds.

EPA's position, as articulated in Administrator orders responding to CAA section 505(b)(2) petitions, is that local air agencies can limit PTE through non-federally enforceable mechanisms if such limits are legally and practicably enforceable. See *In the Matter of Hu Honua Bioenergy Facility*, Order on Petition No. IX-2011-1 at 9 n.14 (Feb. 7, 2014). Therefore, these rules can be withdrawn without adverse consequences.

FEDERAL MAJOR MODIFICATION RULES

- **South Coast Rule 1316, Federal Major Modifications** (submitted 3/10/06).
- **Ventura Rule 26.12, Federal Major Modifications** (submitted 10/5/2006).

EPA's position since 2011 is that NSR Reform had a negligible effect on permitted sources in CA because the CA CAA NSR provisions were more stringent. Region 9 has relied on this rationale to approve updated CA District NSR programs that do not include NSR Reform applicability tests. Therefore, we do not believe a stand-alone FMM rule to satisfy the NSR Reform program requirements is necessary. We believe these rules can be withdrawn without adverse consequences.

PLANS

- **Ventura 1-hour ozone plan contingency measures** (submitted November 15, 1994). Most of Ventura's plan for the 1-hour ozone standard was approved on January 8, 1997 (62 FR 1150). Only the contingency measures remain in the backlog. As part of EPA's May 27, 2009 determination that the area attained by the attainment date, EPA found that the requirements of section 172(c)(9) (contingency measures) for the 1-hour standard do not apply to the area (74 FR 25153, codified at 40 CFR 52.282(a)). Therefore, withdrawal of the contingency measures in this plan submission would have no adverse consequences.
- **Ventura 1997 ozone plan** (submitted 10/2/2008). EPA's revocation of the 1997 8-hour ozone standards eliminated the requirement for California to submit an emissions inventory and an emissions statement rule for these NAAQS in Ventura County. In addition, our December 3, 2012 clean data determination suspended the remaining anti-backsliding requirements for these NAAQS in the area for so long as the area continues to meet the NAAQS (77 FR 71551). Under these circumstances, withdrawal the attainment plan for the 1997 8-hour ozone NAAQS in Ventura County would have no adverse consequences.

- **South Coast Coachella PM₁₀ redesignation request and maintenance plan** (submitted 3/23/2010). This redesignation request and maintenance plan is nearly 10 years out of date and is not approvable. At the time plan was submitted, the Torres-Martinez monitor was exceeding the standard, which prevented us from acting on the plan. Redesignation requests and maintenance plans, which must demonstrate attainment for 10 years beyond EPA's approval, are discretionary submittals and can be withdrawn without adverse consequences.

OTHER RULES

- **Lake County Rule 467, Asbestos Emissions Control Measure** (submitted 5/18/1998). Because CAA section 110 requires SIPs for the NAAQS and asbestos is not a NAAQS, asbestos rules are not required, are not usually submitted for inclusion in the SIP, and can be withdrawn without adverse consequences. Lake County has indicated that they are checking with CARB on whether this rule is needed for PM benefits.
- **Imperial Rule 428, Section E.4.2, Wood Burning Appliances, *opacity requirements only*** (submitted 10/29/18). We have proposed approval of Rule 428, except for Section E. 4.2, which establishes an opacity limit for wood burning appliances (84 FR 19005, May 3, 2019). Imperial Rule 401, which has been approved into the SIP, establishes a 20% opacity limit that applies to most sources, including wood burning appliances. Section E4.2 of Rule 428 can be withdrawn without any adverse consequences.